

LFC Requester:	Marty Daly
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**AGENCY BILL ANALYSIS
2014 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date January 17, 2014
Bill No: H84-305 Jan 17

Sponsor: Rep. Christine Trujillo
Short Land Grant Comprehensive
Title: Plan Approval

Reviewing Attorney General's Office
Person Writing Abby Lewis, AAG
Phone: 827-6921 **Email** alewis@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Opinion Letter. This is a staff analysis in response to the agency's, committee's or legislator's request.

BILL SUMMARY

Summary Synopsis:

HB 84 proposes to add to the enumerated powers of land grant Boards of Trustees. Specifically it seeks to add the authority to allow the Board to approve a comprehensive plan determining zoning of common lands of the land grant; this authority is currently granted to the Department of Finance and Administration (DFA). *See* NMSA 1978, § 49-1-3(J) (amended 2011).

This Bill also removes the requirement that DFA act as the arbitrator in zoning conflicts between the land grants and "neighboring" counties and municipalities. It also adds to the criteria that must be considered during the plan approval process the "health, safety and general welfare" of the *heirs* of the land grant. Currently the statute only requires consideration of this criteria as it pertains to the *residents* of the land grant. *Id.*

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

None for this agency. However, the Boards of Trustees may lack the requisite knowledge to assess these plans as required and may also lack the funding needed to hire experts to assist in these assessments.

SIGNIFICANT LEGAL ISSUES

The removal of DFA as the arbitrator leaves a gap as to who or what would settle conflicts should they arise; which is very likely historically.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

None for this agency. However, DFA may not have the resources to perform what is required of it in the statute as it is presently in effect.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None for this agency.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS

INTRODUCED THIS SESSION

None at this time.

TECHNICAL ISSUES OR DRAFTING ERROR

OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS NEEDED TO IMPROVE THIS BILL

Suggest adding an appropriation to the Land Grant Support Fund to be allocated and distributed by the Land Grant Council for use by Boards of Trustees in contracting with qualified professionals to aid them in assessing these plans for the required “health, safety and general welfare of the residents and heirs of the land grant-merced.”

Suggest adding language about a dispute resolution procedure should zoning conflicts arise between a land grant and a neighboring county or municipality.